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7 Attorneys for Plaintiff Ox Labs Inc.

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION
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12 OX LABS INC., a California
13 Corporation,

14 Plaintiff,

15 vs.

16 BITPAY, INC., a Delaware
17 Corporation, and Does 1-10,

18 Defendants.
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Case No. CV 18-5934-MWF(KSx)

**NOTICE OF RATIFICATION
AND RATIFICATION BY SFOX,
INC. PURSUANT TO FED. R.
CIV. P. 17(a)(3)**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Plaintiff Ox Labs, Inc. (“Ox Labs”) hereby submits this Ratification by SFOX, Inc. (“SFOX”), its wholly-owned subsidiary, of this action brought by Ox Labs against Defendant Bitpay, Inc. (“Bitpay”).

Ox Labs believes that it is the real party in interest in this action. It wholly owns SFOX, all relevant negotiations and communications regarding the substance of this matter have been performed by Ox Labs’ executives, and the financial harms alleged in the Complaint directly impact Ox Labs’ bottom line. However, Defendant questioned Ox Labs’ status as the real party in interest in its Motion for Summary Judgment (Dkt. 29), and the Court has ordered the parties to meet and confer to resolve the issue. (Dkt. 36 at p.6.) After meeting and conferring with Defendant, in order to comply with this Court’s order and avoid unnecessary litigation, and out of an abundance of caution, Ox Labs submits this Notice of Ratification and Ratification pursuant to Federal Rule of Civil Procedure Rule 17(a)(3). *See generally Mutuelles Unies v. Kroll & Lindstrom*, 957 F.2d 707 (9th Cir. 1992).

Rule 17(a)(3) requires a ratifying party to authorize continuation of the action and to agree to be bound by the lawsuit’s result. Fed. R. Civ. P. 17(a)(3); *Mutuelles Unies, supra*, 957 F.2d at 712. SFOX hereby ratifies and authorizes both the commencement and continuation of this action by the current plaintiff, Ox Labs. *See Declaration of George Melika on Behalf of SFOX, Inc. Ratifying Action by Plaintiff Ox Labs, Inc. (“Melika Declaration”), attached hereto as Exhibit A, at ¶¶ 3-4.* SFOX also agrees to be bound by the result of the action. *Id.* at ¶ 4. This includes any judgment which may be rendered in this action determining liability for the incident at issue, as well as any damages or other relief found recoverable from Defendant. *Id.* SFOX further agrees that it will not commence any separate

1 action against Defendant based on the same set of facts and circumstances at issue
2 in this case. *Id.* at ¶ 5.

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4 Dated: October 17, 2019

Respectfully Submitted,
LEIDER + AYALA-BASS LLP

6 By: /s/ Philip. A. Leider
7 Philip A. Leider

8 Attorneys for Ox Labs Inc.
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CERTIFICATE OF SERVICE

I certify that counsel of record, listed below, is being served on October 17, 2019, with a copy of this document through the CM/ECF Filing System as identified on the Notice of Electronic Filing dated October 17, 2019.

/s/ Anahit Samarjian
Anahit Samarjian

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